

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS  
BID PROTEST**

<b>10 TANKER AIR CARRIER, LLC,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>No. 21-1084</b>
	)	<b>(Judge Ryan T. Holte)</b>
<b>THE UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Defendant.</b>	)	

**JOINT STATUS REPORT**

Pursuant to the Court's order, ECF No. 10, the parties respectfully submit this joint status report, proposing a schedule for future filings and outlining their respective positions. Counsel for the parties have conferred and agree upon the following proposed briefing schedule to resolve plaintiff's bid protest and motion for a permanent injunction. Plaintiff and Defendant do not object to the request of Aero Flite, Inc. (Aero Flite) to intervene as a defendant-intervenor in this bid protest.

**Joint Proposed Briefing Schedule:**

- Thursday April 1, 2021: Production of the Administrative Record.
- Tuesday, April 20, 2021: Plaintiff's Motion for Judgment on the Administrative Record (MJAR).
- Tuesday, May 11, 2021: Defendant's and Intervenor's Opposition & Cross-MJAR.
- Tuesday, May 25, 2021: Plaintiff's Opposition & Reply.
- Tuesday, June 8, 2021: Defendant and Intervenor's Reply.
- Oral argument: To be scheduled at the Court's convenience during the week of June 28, 2021. Counsel for the parties are available on any date during this week.

**Plaintiff's Position:**

Plaintiff did not file motions for, and does not intend to seek, a temporary restraining order or preliminary injunction to enjoin the United States and Aero Flite, Inc. from continuing to perform the contract at subject in this protest.

**Defendant's Position:**

Defendant confirms that performance on the protested contract has not begun and that the United States Forest Service will not voluntarily stay performance. Performance of this contract will begin per the Forest Service's internal schedule.

Defendant has informed the remaining awardees that a bid protest has been filed in this Court. Erickson Aero Air, LLC d/b/a Aero Air has advised that it will not intervene in this bid protest. Coulson Aviation has advised that it will not intervene until they receive more information on the basis of the protest. Aero Flite was the only intervenor in the prior two bid protests at the U.S. Government Accountability Office. Defendant does not object to plaintiff's motion to file under seal or plaintiff's motion for a protective order. After reviewing plaintiff's proposed redacted version of the complaint, defendant has advised plaintiff of additional proposed redactions, to ensure all source selection sensitive information is fully redacted.

As part of its opposition/Cross MJAR, defendant intends to argue that the complaint should be dismissed on the grounds that the plaintiff's challenges to the terms of the solicitation are waived for failure to timely challenge them.

**Defendant-Intervenor's Position:**

Defendant-Intervenor agrees with Defendant's position except to the extent that redactions have been made to the complaint to which it does not yet have access.

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March 24, 2021

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 24<sup>th</sup> day of March, 2021, a copy of the foregoing “JOINT STATUS REPORT” was filed electronically. This filing was served electronically to all parties by virtue of the court’s electronic filing system.

/s/ Vijaya S. Surampudi  
VIJAYA S. SURAMPUDI